

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS

**BRIAN HERZIG; and
NEAL MARTIN**

PLAINTIFFS

V.

CASE NO. 2:18-CV-2101 (PKH)

**ARKANSAS FOUNDATION FOR
MEDICAL CARE, INC.**

DEFENDANT

**MOTION TO EXTEND PLAINTIFFS' TIME TO RESPOND TO
DEFENDANT'S MOTION FOR SUMMARY JUDGEMENT**

The Plaintiffs' by and through their attorneys, Gilker and Jones, P.A, submits its Motion to Extend the Plaintiffs' time to respond to Defendant's Motion for Summary Judgment and in support thereof the Plaintiffs' state as follows:

1. Under the Local Rules the Plaintiffs have until February 8, 2019 to respond to the Defendants Motion for Summary Judgement that was filed after five o'clock on Friday January 25 2019.

2. The Plaintiffs' respectfully request an extension until February 12, 2019 to file their Response to the Motion for Summary Judgment. The Defendant's Motion and attached exhibits and supporting documents involve several hundred pages of information and thus involve a significant time investment to prepare the Plaintiffs' response. Plaintiffs' in addition to responding to this matter has been required to address other matters during the Response period permitted under the Local Rule.

3. This Motion is made in good faith and not for purposes of delay or any other improper purpose.

4. Pursuant to Local Rule 7.2, no Brief is required in connection with this Motion.

5. Plaintiffs' counsel has requested the Defendant's counsel's position concerning this motion. In response the Defendant has requested in the interest of transparency that the Plaintiffs' set forth the Defendant's position that the Plaintiffs have a pattern of requesting numerous extensions to various deadlines throughout this litigation. The final paragraph of Defendant's counsels' position with respect to this Motion is as follows:

"Given this pattern, if you have a good and justifiable reason to support your most recent request for an extension (which was not stated in the initial email), AFMC will not take a position agreeing with or otherwise opposing your request for leave of the Court to extend the time otherwise required by Rule 7.2 of the Local Rules. We ask, however, that—for transparency—you represent that AFMC's decision to not otherwise agree or oppose your request for leave is because of the extensions to which you have already requested and received, as set forth above."

WHEREFORE, the Plaintiffs' respectfully requests that the Court grant this Motion to extend the deadline to respond to Defendant's Motion for Summary Judgement until February 12, 2019.

Respectfully submitted,

/s/ Michael R. Jones

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